



PLANNING COMMISSION AGENDA

Wednesday, March 14, 2007

*5:00 p.m. STUDY SESSION
Coyote Valley Specific Plan EIR
Room # T-332*

6:30 p.m. General Plan & Regular Meeting

**Council Chambers
City Hall Wing**

200 East Santa Clara Street
San Jose, California

**Xavier Campos, Chair
James Zito, Vice-Chair**

**Christopher Platten Bob Dhillon
 Ash Kalra
Matt Kamkar Lisa Jensen**

**Joseph Horwedel, Director
Planning, Building and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, March 14, 2007***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

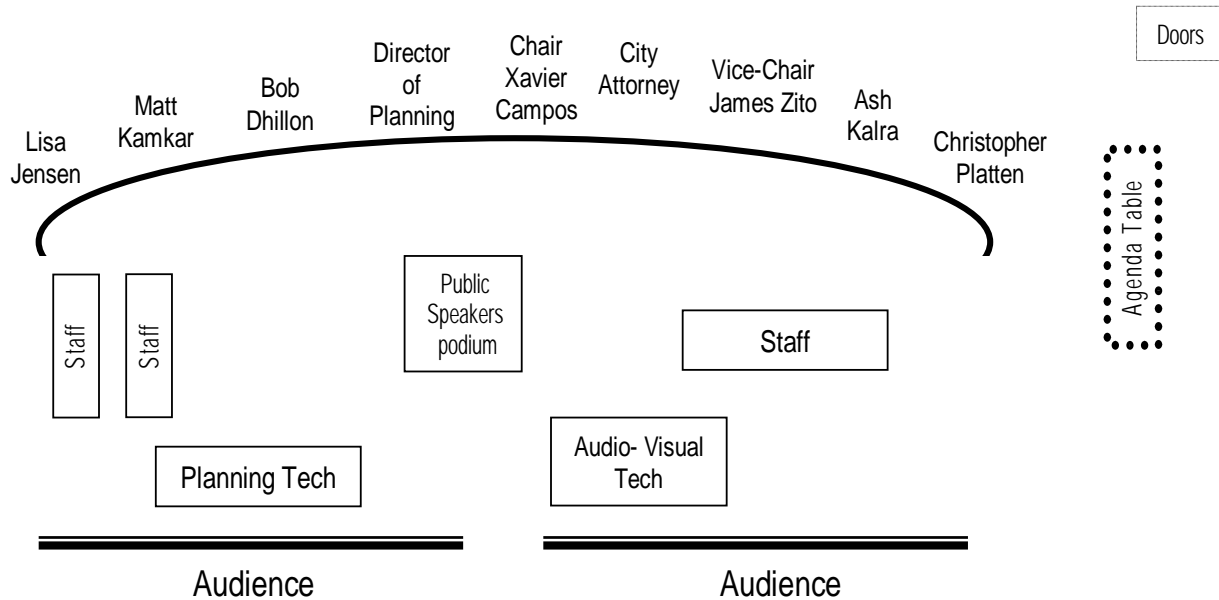
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP06-064**. Conditional Use Permit to allow trailer sales and leasing on a 0.22 gross acre site in the LI Light Industrial Zoning District, located at/on north side of W. San Carlos Street approximately 200 feet east of Bird Avenue (597 W San Carlos St.) (Warehousing, Processing & Allied Workers Union Local 6, ILWU, Owner). Council District 3. SNI: Delmas Park. CEQA: Exempt.

DEFER TO 3-28-07

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **C07-014**. Conventional Rezoning from A Agriculture Zoning District to LI Light Industrial Zoning District to conform to the existing LI Light Industrial Zoning District associated with the rest of the site, located on the west side of the Union Pacific right-of-way 1040 ft due west of the center of the intersection of Lundy Av and Berryessa Rd (1655 BERRYESSA RD) (Robert Facchino, Owner). Council District 4. SNI: None. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Conventional Rezoning from A Agriculture Zoning District to LI Light Industrial Zoning District to conform to the existing LI Light Industrial Zoning District associated with the rest of the site as recommended by Staff.

The following items are considered individually.

4. **PUBLIC HEARINGS**

- a. **CP06-034**. Conditional Use Permit to allow conversion of an existing single-family residence to a Residential Care Facility for up to 12 residents and 2 staff on a 0.20 gross acre site in the R-M Multiple Residence Zoning District, located on the east side of N 5th Street approximately 500 feet south of Washington Street (341 N 5th St.) (Okon and Ini Uboh, Owner). Council District: 3. SNI: 13th Street. CEQA: Exempt. [Deferred from 2-28-07](#).

Staff Recommendation:

Approve a Conditional Use Permit to allow conversion of an existing single-family residence to a Residential Care Facility as recommended by Staff.

- b. **PDC06-040**. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences on a 3.48 gross acre site located on the south side of William Street , approximately 350 feet westerly of South 24th Street (1090 East William Street) (22nd & William Street, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration. [Deferred from 2-28-07](#).

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA.
Recommend to the City Council approval of a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences as recommended by Staff.

- c. **CP06-072**. Conditional Use Permit for a public eating, drinking, and entertainment establishment, sidewalk café, and late night use until 2:00 a.m. in the DC Downtown Commercial Zoning District, located on the west side of S. 2nd Street, approximately 70 feet north of East San Fernando Street (85 S. 2nd St.) (Cheung, Colin, Owner). Council District 3. SNI: None. CEQA: Use of Downtown Strategy Plan 2000 Final EIR.

Staff Recommendation:

Approve a Conditional Use Permit for a public eating, drinking, and entertainment establishment, sidewalk café, and late night use until 2:00 a.m. in the DC Downtown Commercial Zoning District as recommended by Staff.

5. **OPEN PLANNING COMMISSION SPRING 2007 HEARING ON GENERAL PLAN AMENDMENTS**

6. GENERAL PLAN CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. GP04-09-01. GENERAL PLAN AMENDMENT request to change the Land Use/ Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on an approximately 0.99-acre site located at the northwesterly corner of Los Gatos-Almaden Road and Warwick Road (14861 and 14879 Los Gatos-Almaden Road) (Owner: Steven and Nancy McVay; Applicant: Cypress Quarters Homes Development Corporation/Contact: Jeff Guinta). Council District 9. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of Medium Low Density Residential (8 DU/AC) on 0.99 acres.

- b. GP06-07-02. GENERAL PLAN AMENDMENT request to change the Land Use/ Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on an approximately 2.34-acre site located on the easterly side of McLaughlin Avenue, approximately 600 feet southerly of Tully Road (2450 to 2492 McLaughlin Avenue) (Owner: Bob Dhillon/ Applicant: LPMD Architects/ Contact: Anthony Ho). Council District 7. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of Medium Density Residential (8-16 DU/AC) on 2.34 acres.

8. CONTINUE THE PLANNING COMMISSION HEARING FOR THE 2007 SPRING GENERAL PLAN AMENDMENTS TO MARCH 28, 2007

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider study session dates and/or topics
 - Consider adding study session to April 11, 2007, from 5:00 p.m. to 6:30 p.m, on Early Public Outreach for General Plan Update.

12. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session</i> <i>Coyote Valley Specific Plan EIR</i>	T-332
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i> <i>Meeting Procedures and Commission Role</i>	T-332
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i> <i>Level of Service Policy</i>	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i> <i>Review Capital Improvement Program</i>	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i> <i>Economic Development/Retail Strategy</i>	T-332
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i> <i>Riparian Corridor issues</i>	T-332
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers